

From: Brad Nelson
To: Donna Hander - dlhande.s00147
Sent: 2/8/2015 2:35:05 PM
Subject: Re: Filling C2 electronic prescriptions and refusal to fill web forms

PLAINTIFFS TRIAL
EXHIBIT

P-20850_00001

Donna

Thanks for reaching out for assistance and guidance. We are happy to assist and support in any way we can. We have been successful in Georgia and Florida with having pain management office either closed down or significant reductions in controlled substance prescriptions being written. In all of these cases the DEA has stepped in to educated the prescribers. I look forward yo assisting your staff in this endeavor

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On Feb 7, 2015, at 5:25 PM, "Donna Hander - dlhande.s00147" <dlhande.s00147.us@wal-mart.com> wrote:

Sir,
 I appreciate all your time spent on this. My fellow pharmacists now realize the importance of filling out the form. We were afraid of getting fired for refusing to fill, but now I understand it is for our protection. When you have 2 to 3 people in line with the same c2 and have 3 each, it is very difficult. Again thank you so much.

Donna Hander
 Pharmacy Mgr 147

From: Brad Nelson
Sent: Friday, February 06, 2015 12:45 PM
To: Donna Hander - dlhande.s00147; Steven Williams - s2willi; Shantay Peloquin; Craig Andrews
Cc: Debbie Mack; Kenzie Frey - kjfrey.s00947; Carolyn Egres - cmegres.s00947; Johnny Davis - jddavis.s00148; Duane Lewis - dalewis.s00148; Leticia Fohitung - lfohtun.s00147; Willie Cowgur
Subject: Filling C2 electronic prescriptions and refusal to fill web forms

The information below still applies, to electronic controlled substance prescriptions. Pharmacists are still able to refuse to fill any prescription electronic or otherwise. The challenge with CII electronic prescriptions is that you cannot give a copy back to the patient and you would need to contact the prescriber and let them know that you are not filling the prescription so that the prescriber can send the RX to another pharmacy. I understand that the RTF process is time consuming however when a complaint comes in you will glad you documented the event. These bad actors will continue to write for controlled substances and when they do if you send the RTF web forms then I personally report

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those to the DEA every month. Without the refusal to fill documents, there is no information going to the DEA in Dallas regarding this prescribers writing habits, I encourage you to fill out the refusal to fill web forms. So far there have been Zero refusal to fill web forms filled out for Dr Diamond in 2015 . In 2014 store 147 filled out 4 RTF's and none for Dr Diamond, store 148 filled out 2 RTF's and 1 was for Dr. Diamond and store 947 filled out 1 RTF and none were for DR. Diamond. Bottom line is that I have received only 1 RTF about DR Diamond in the last 14 months, therefore the DEA is not hearing anything from Walmart since stores are choosing not to file the RTF forms. Please let me know how we can assist. However you can help your situation the best by reporting the refusal to fills so that the information can be shared with the DEA.

From: Donna Hander - dlhande.s00147
Sent: Friday, February 06, 2015 11:28 AM
To: Brad Nelson; Steven Williams - s2willi
Cc: Debbie Mack; Kenzie Frey - kjfrey.s00947; Carolyn Egres - cmegres.s00947; Johnny Davis - jddavis.s00148; Duane Lewis - dalewis.s00148; Leticia Fohtung - lfohtun.s00147
Subject: RE: Filling C2--dr under investigation

This situation has gotten worse. Now this dr wants our stores to accept c2 electronic, which we all know is legal, but when his "patients" come up 3 at a time with methadone, norco, xanax, and sometimes ms contin, and then tell you he "videochats" with them, what do you do? He has even fed-ex prescriptions to my pharmacy for people living over 100 miles away. If all of us got together and started filling out refusal to fill, that is all we would do all day longer. Sherman store 947 started out the day with 8 rxs for Norco from Dr. Diamond. Some escribed. I have included the names of other pharmacists in the CC area because they are looking to me for guidance. We are all concerned about our jobs and about filling for a pill mill doctor. I am in my 29th year with walmart and have never had a situation this bad with a doctor. Other chains are refusing to fill for him which makes our burden even greater. Please help us.

Donna Hander
Pharmacy Mgr 147

From: Brad Nelson
Sent: Wednesday, December 24, 2014 10:29 AM
To: Debbie Mack; Donna Hander - dlhande.s00147
Cc: Steven Williams - s2willi
Subject: RE: Filling C2--dr under investigation

Here is our best practices for refusing to fill a prescription. Being under investigation is simply a red flag to consider when using your professional judgment. However an investigation of itself is not a good reason to discontinue filling legitimate prescriptions. The key is to determine which prescriptions are legitimate. Use the best practices below to guide you. Remember we are not allowed to blanket refuse to fill for any prescriber. Each RX must be evaluated prior to refusing to fill an RX. If refused then follow POMm1703 for proper documentation.

COMPLIANCE RIGHT WAY EVERY DAY
REFUSAL TO FILL.

Pharmacists are granted the ability to exercise their professional judgment and choose to refuse to fill any prescription if they feel the prescription was written for other than a legitimate medical purpose. You and your staff are encouraged to review POMs 203,1311,1316,1317,1319 and 1703. Even after the Pharmacist established that there is a Dr/Patient relationship, the Pharmacist is still allowed to refuse to fill a prescription on an individual prescription basis, no blanket refusals are allowed by the Boards of Pharmacy. Key points:

- When any of the pharmacists on your team decides to not fill a prescription, then the requirements of POM 1703 apply and a refusal to fill or fraudulent activity webform **is required** to be submitted for each refusal.

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On a pharmacist's refusal to fill a fraudulent or altered prescription, the pharmacist is required to send to the DEA by the practice compliance team.

If a pharmacist dispenses a prescription and subsequently learns (i.e. from law enforcement, a prescriber, another pharmacy or other sources) that the prescription was forged or altered, the pharmacist **is still required** to fill out the refusal to fill or fraudulent activity webform and follow the steps outlined in POM 1703.

The documentation of these refusals is to provide details of the incident for the purposes of supporting the Pharmacists in their decision should any complaint be filed by a prescriber or patient with the Medical Board or Board of Pharmacy.

Unfortunately there are many prescribers that write for large quantities of controlled substances, however, this does not mean that you as a professional are required to fill these prescriptions. We encourage and support each Pharmacist in exercising his/her professional judgment, we simply ask that you follow the policies and procedures outlined in the Pharmacy operations manual to protect you and the company from false claims of discrimination from the Prescriber or the patient. We appreciate your concerns and understand the impact to your practice.

If you have any questions or concerns please feel free to contact Health and Wellness Regulatory Affairs: (479) 204-8014.

From: Debbie Mack
Sent: Tuesday, December 23, 2014 4:53 PM
To: Brad Nelson
Subject: Fwd: Filling C2--dr under investigation

Do you want to answer

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the Right Way, Every Day! *

Begin forwarded message:

From: Donna Hander - dlhande.s00147 <dlhande.s00147.us@wal-mart.com>
Date: December 23, 2014 at 3:39:29 PM CST
To: Debbie Mack <Debbie.Mack@walmart.com>
Cc: Steven Williams - s2willi <Steven.Williams@walmart.com>
Subject: Filling C2--dr under investigation

Debbie,

We have two doctors in the north central texas area--Dr. Howard Diamond from Sherman, Dallas, Paris, and wherever else he lands, and a Dr Randall Wade from the McKinney area. Both doctors are under investigation by the DEA. Steven will confirm for you what Dr. Diamond's office looks like in Paris on the days he is there. Walmart is

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getting started with a new doctor. Substantive from the two physicians. Currently, the Sheraton area, Target, Walgreens, Kroger, Medicine Shoppe will not honor prescriptions from these two physicians. 3 independents and Brookshires, Albertsons, CVS, will fill for these physicians after they verify each patient in the Texas DPS system and on a case by case basis. Does Walmart have any policy concerning DEA investigations?

Donna Hander
Pharmacy Mgr 147